

ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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February 26, 2009
Agenda Item 5.0

Memorandum

DATE: February 19, 2009
TO: Congestion Management Agency Board
FROM: Dennis R. Fay, Executive Director
SUBJECT: EXECUTIVE DIRECTOR'S REPORT

Sacramento Report

I have attached a report from the CMA's Sacramento representative.

Washington, DC Report

I have attached a report from the CMA's Washington, DC representative.

Transportation 2035 Plan

After nearly two years of dialogue and technical analysis, MTC released the Draft Transportation 2035 Plan on December 19, 2008 for public review and comment. The draft document is the Bay Area's transportation blueprint for investing \$226 billion in projected revenue expected to flow to the region over the next 25 years. MTC encourages viewing the Draft Transportation 2035 Plan online at: http://www.mtc.ca.gov/planning/2035_plan/index.htm. Written comments on the Draft Plan must be received by 4 p.m. Monday, March 2, 2009. Comments were submitted by staff and the letter is attached.

Bike to Work Sponsorship

The East Bay Bicycle Coalition is seeking sponsorship of Bike to Work Day 2009 in the amount of \$10,000. The money will go towards advertisements for Bike to Work Day placed on a variety of media around Alameda County, including transit ads, street pole banner, kiosks, and newspaper ads. ACTIA is providing sponsorship to the said event and staff is seeking Board guidance on CMA's sponsorship.

Transportation Bond Measure Projects

I-580 Eastbound HOV Lane Project – The contractor for the first contract has completed work in the median and traffic has shifted in order for the outside widening to begin. The second contract received a California Transportation Commission (CTC) allocation of funds at the

October meeting and was advertised on January 5, 2009. The CMA is negotiating a contract with the design consultant to prepare the project development package for the auxiliary lanes between Isabel and North Livermore Avenue and North Livermore Avenue and First Street. MTC has approved a strategy that will allow Toll Bridge funds to be used to purchase state bonds, allowing certain bond funded projects to continue. This will allow the I-580 work currently underway to continue and the project will not be subject to the shutdown that is threatening other state highway projects due to the lack of a state budget.

I-580 Westbound HOV Lane Project – The draft Project Report and draft Environmental Document are being reviewed by Caltrans. The design phase of this project began in June 2008. The ACCMA has reviewed the preliminary design package (35 percent PS&E). The CMA and the consultant are preparing a strategy to split the project into smaller construction contracts. The CMA is preparing a corrective action plan to remove the bus ramp from the project scope for review by the CTC.

I-580/Route 84/Isabel Interchange – This project is sponsored by the City of Livermore and received \$68 million from the CMIA bond fund program. The project was split into three smaller contracts. Contract one, administered by Caltrans received an allocation of construction funds from CTC in October 2008. The CTC allocated the construction funds for the two contracts administered by the City of Livermore at its December 2008 meeting. The three contracts were advertised in January.

I-880 Southbound HOV Lane Extension (Hegenberger to Marina) – Environmental and preliminary Engineering services are ongoing. A 35 percent submittal package has been completed. The project will be divided into two construction packages to attract more bidders. At the request of the City of San Leandro, the ACCMA is overseeing the Marina Boulevard Interchange Project Study Report (PSR).

I-80 Integrated Corridor Mobility (ICM) Project – Meetings with stakeholders are being held to define Traffic Light Synchronization Program (TLSP) functional requirements. The data collection plan was approved and is currently being implemented. A Delivery Action Plan, addressing the project's revised schedule, was developed by Caltrans, MTC, CMA and the CCTA and was submitted to the California Transportation Commission (CTC). A 20 member Technical Advisory Committee (TAC) has been formed for the project.

I-880 North Safety and Operational Improvements at 23rd/29th Avenues –The Project Report and Environmental Document are underway and preliminary engineering and environmental technical studies have commenced. A Value Analysis study was performed in December 2008.

Status of Corridor Studies/Projects

I-680 Express Lane Project – The CMA has partnered with Caltrans on the design of this project. The project has been split into six contracts: three roadway contracts, one landscape contract, an environmental mitigation contract and a system integrator contract. Bay Cities, the contractor for the first contract, is continuing to work aggressively to complete the project. MTC has approved a strategy that will allow Toll Bridge funds to be used to purchase state bonds,

allowing certain bond funded projects to continue. This will allow the I-680 work currently underway to continue and the project will not be subject to the shutdown that is threatening other state highway projects due to the lack of a state budget.

Contracts #2 and #3 were advertised in September and bids were opened on December 10, 2008 and on December 16, 2008, respectively. The plan is to award both contracts #2 and #3 in March 2009 provided State budget issues have been resolved.

A contract has been executed with Electronic Transaction Consultants (ETC) for the System Integration work on the Express Lane project. The notice to proceed with Phase I of the contract was issued in January 2009.

I-580 Traffic Management Plan Project – The Center-to-Center Program communication hubs project was awarded to DKS Associates. This communication package will link various Transportation Management Centers in the Bay Area which include communication centers at the Metropolitan Transportation Commission (MTC) and Alameda County SMART Corridors. The Software Integration Package was awarded to Irvine Global Consulting and will be completed in June 2009. The integration will link cameras, detectors and changeable message signs along I-580 with communication centers at the Cities of Dublin, Livermore, Pleasanton and Alameda County SMART Corridors. The project is also installing ramp metering on Grant Line Road, North Flynn Road and Portola Avenue, funded from a MTC grant.

I-580 Corridor ROW Preservation – The CMA consultant prepared environmental documents (Categorical Exemption) for six properties that are currently available for acquisition. Upon completion of the funding agreement with ACTIA, the CMA will begin discussions with Caltrans to establish a partnership agreement for this project.

I-580 Westbound Auxiliary Lane Project – This ACTIA Measure B funded project consists of two westbound I-580 auxiliary lane segments from Airway Boulevard to Fallon Road and from Fallon Road to Tassajara Road. ACTIA is the lead agency for the environmental phase and has completed the NEPA environmental document to clear the Fallon to Tassajara Road auxiliary lane segment. CMA's consultant is responding to Caltrans comments on the 95% PS&E. An amendment to the project specific agreement with ACTIA is underway.

I-580 Eastbound High Occupancy Toll (HOT) Lane: Technical Studies and Preliminary Engineering – Preliminary Engineering and preparation of the Environmental Document began in July 2008. The consultant is addressing Caltrans' comments on the traffic operations analysis report. The CMA has requested that additional studies be prepared to investigate the feasibility of a double HOT lane. A contract change order to install the infrastructure of the civil elements of the HOT Lane was issued to the EB HOV project

I-680/I-880 Cross Connector Project – Team meetings and technical studies are currently on hold pending agreement with Caltrans regarding project oversight support.

I-580 Sound Wall Design – San Leandro and Oakland – The San Leandro soundwall Final Design Package is anticipated to be approved by Caltrans in late January 2009. All temporary

construction easements from property owners have been obtained. The project is scheduled to be advertised in March 2009.

I-880 Corridor System Management Plan – The I-880 Corridor System Management Plan (CSMP) TAC met on November 10, 2008. The results of the scenario analysis proposed to improve the performance of the corridor were discussed. The consultant team has been working since then to incorporate TAC input. This study, sponsored by Caltrans, will provide a detailed evaluation of the I-880 Corridor to determine what transportation strategies make the most sense and when they should be implemented.

I-580 Corridor System Management Plan – Information on the I-580 East Corridor System Management Plan (CSMP) was presented to ACTAC at its November meeting. As a follow-up, a corridor stakeholder meeting will be held on January 27, 2009 at 9:30 a.m. to discuss development of the CSMP. The CSMP is a requirement of the Corridor Mobility Improvement Account (CMIA) I-Bond funding, and as a result is a requirement for the CMIA-funded improvement projects along the I-580 Corridor in Alameda County. An additional stakeholder meeting will be held in April 2009.

SR 24 Corridor System Management Plan – Information on the SR 24 Corridor System Management Plan (CSMP) was presented to ACTAC at its November meeting. The Existing Conditions Technical (ECT) Memorandum is being finalized and model development is in progress. Stakeholders in Contra Costa County met on February 3, 2009 to review the ECT Memorandum results. The majority of the improvements are in Contra Costa County, so a stakeholder meeting will be held in Alameda County once the draft mitigation strategies are completed. A presentation on the ECT Memorandum results and the draft mitigation strategies are expected to be presented to Alameda County and Contra Costa jurisdictions in March 2009.

Ardenwood Park & Ride Lot Project – Construction of the Park and Ride Lot began on September 18, 2008 and completion is anticipated in April 2009. Construction was suspended in mid-November 2008 pending issuance of a final building permit by the City of Fremont. A permit was issued in January 2009 and construction has resumed.

BART to Warm Springs – Final Design on the Fremont Central Park Subway ("Subway") contract is now complete and the contract was advertised for construction on February 6, 2009. A Pre-Bid Meeting will be held on February 20, 2009 and bids are scheduled to be opened on March 31, 2009. The BART Board is expected to award the contract in late April or early May and NTP is expected to be issued in June. Preliminary engineering on the Line, Track Station and Systems ("LTSS") contract is 75 percent complete. A Value Engineering review of the LTSS contract will be conducted in February. A Request for Qualifications (RFQ) for the LTSS contract is expected to be issued in March. A Request for Proposal (RFP) is scheduled to be advertised this summer, with a best-value award scheduled for mid-2010. The project received its Section 401 Certification from the SF Regional Water Quality Control Board on February 9, 2009. Further permits from the US Army Corps of Engineers and CA Dept of Fish and Game are expected shortly.

BART to Silicon Valley (Silicon Valley Rapid Transit Corridor-SVRTC) – The Draft Environmental Impact Statement (EIS) is expected to be available for public review in March 2009 with the Final EIS to be circulated in January 2010.

Caldecott Tunnel 4th Bore – The Final Environment Document for the project is available for review on the project website at: www.dot.ca.gov/dist4/caldecott/. CMA staff continues to coordinate with Caltrans on the project delivery through the Project Leadership Team (PLT) and the Executive Steering Committee (ESC). Caltrans has reached agreement with the Fourth Bore Coalition to settle the litigation that was filed against the project. The project will be advertised as soon as a CTC allocation vote is approved.

Dumbarton Rail Corridor – The Draft EIR is progressing and is expected to be released by spring 2009.

Grand/MacArthur Corridor Transit Enhancements – This project is a key first step towards bringing major transit improvements to the Grand Avenue/MacArthur Boulevard corridor. The limit of this corridor is from Eastmont Mall to the Transbay Terminal in San Francisco. This SMART/Bus Rapid Transit (BRT) Corridor implementation will be modeled after the existing San Pablo Avenue and International/Telegraph SMART/BRT Corridors. On July 31, 2008, the CMA Board awarded the Grand/MacArthur Corridor Transit Enhancement Project construction contract to Ray's Electric, the lowest responsive bidder. Construction started September 22, 2008 with a completion date in June 2009.

SMART Corridors Program – CMA's SMART Corridors partnership includes 29 public agencies. The CMA provides video and traffic data to the public and to transportation managers as well as emergency service providers in real-time. The public website address for the SMART Corridors is: <http://www.smartcorridors.com>. The CMA is working with the Alameda County Public Works Agency on the implementation of Transportation Management Centers (TMC). CMA is also leading the project to implement ITS on Webster Avenue in the City of Alameda. CMA staff is also managing various contracts to operate and maintain SMART Corridors components.

San Pablo Avenue Rapid Bus Stop Improvements - The CMA is taking the lead in implementing approximately \$2.6 million in improvements to the Rapid Bus stops in Alameda County funded through AC Transit using Measure B funds. At the request of the cities, the CMA and the funding agencies have agreed to implement streetscape amenities as an alternative to the replacement of crosswalks. This will extend the project completion date to June 2009. All project elements are completed with the exception of bus-bulb-outs and median islands.

State Route 84 HOV Extension – Dumbarton Corridor – The HOV lane was open to traffic on September 5, 2008 and the project closeout is underway.

Central Alameda County Freeway System Study – A draft Project Initiation Document (PID) is being finalized. The next Policy Advisory Committee (PAC) meeting is anticipated to be held in March 2009 to release the Local Alternative Transportation Improvement Program (LATIP) and supporting documentation for local and California Transportation Commission approval. After

PAC approval of the submittal package is obtained, local approvals will be sought similar to the process used for the Financially Unconstrained LATIP.

MTC's Lifeline Transportation Program – The MTC approved the Lifeline Transportation Program, on January 28, 2009. The complete Tier 1 program cannot go forward until the State approves the STA budget and releases the Proposition 1B funds. The intent of the Lifeline Transportation Program is to fund projects that increase transportation mobility for low income residents in Alameda County.

Berkeley/Oakland/San Leandro BRT – The Final EIS/EIR is being prepared. The BRT TAC met on January 22, 2009 to discuss ways to move the project forward, overall project definition and organization, and future Policy Steering Committee meetings. The BRT Policy Steering Committee will meet on February 17, 2009 at 3:30 p.m. The next BRT TAC meeting is February 19, 2009 at 9 a.m.

Transportation and Land Use Work Program – CMA staff is discussing TOD TAP scopes with two jurisdictions. Staff is also coordinating within the county to determine how to integrate TOD into climate change goals.

Community Based Transportation Plan – The City of Alameda Community Based Transportation Plan consultant team is continuing to conduct community outreach, which will be complete February to March 2009.

Guaranteed Ride Home Program – The draft program evaluation, by the CMA Board will be discussed and recommended for approval at the February Board meeting. In the most recent month, 30 new employees enrolled in the program. During this time four trips were taken, including two rental car trips.. The average cost per taxi trip is \$84.36 and the average trip length is 39.2 miles. The average one-way trip distance for a rental car ride is 48 miles. The average savings for a rental car ride compared to a cab is \$72.80 per ride.

Truck Demand Model – The Task Force met on February 17, 2009 to discuss data collection and proposed uses for the Truck Travel Demand Model. The next Task Force meeting is on March 17, 2009 at 1:30 p.m.

Update of the Countywide Travel Demand Model -- The updated model with the P2007 land use is available. The model plots and documentation will be posted on the website in February 2009.

Truck Parking Facility Feasibility and Location Study – The Final Report was approved by the Board at its December 2008 meeting. The Final Report will be posted on the website in February 2009. Staff will be preparing an Implementation Plan for Board consideration by June 2009.

Update on Climate Action Activities

As follow up to the December 2008 CMA Board retreat, staff is preparing draft Climate Action priorities to review with the CMA Board as well as investigating ways to strengthen the Land Use Analysis Program and Transportation Demand Management elements of the CMP to address

climate change. The CMP elements will be updated as part of the on-going 2009 CMP update. The Board will review this information at its March 2009 meeting. Staff attended a Climate Change Forum hosted by the County. At the meeting, the CMA was requested to co-host a follow up meeting on transportation and climate change in conjunction with ACTIA and Supervisor Haggerty's office. Since the CMA has been hosting climate change workshops focusing on transportation and land use for the jurisdictions since November 2008, it was agreed that this venue would be expanded to incorporate the outcomes of the County's Climate Change Forum. A workshop meeting was held on February 3, 2009 and the first meeting of the expanded group is being scheduled for early March.

Environmental Documents/General Plan Amendments Reviewed

Since my last report, three environmental documents, notices of preparation or general plan amendments have been received or reviewed. Responses are attached.

CMA Board and Committee Meeting Dates

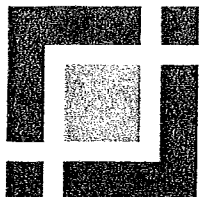
Board meetings will be at 3:30 p.m. in the ACTIA offices. Administration & Legislation Committee meetings will be at 11 a.m. in the CMA offices in Oakland unless otherwise noted. Plans & Programs Committee meetings will be at 12 noon in the CMA offices in Oakland unless otherwise noted.

CMA Board
March 26, 2009
April 23, 2009
May 28, 2009
June 25, 2009

Plans & Programs
March 9, 2009
April 13, 2009
May 11, 2009
June 8, 2009

Administration & Legislation
March 9, 2009
April 13, 2009
May 11, 2009
June 8, 2009

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February 18, 2009

TO: Dennis Fay, Executive Director
Alameda County Congestion Management Agency

FR: Suter, Wallauch, Corbett & Associates

RE: Legislative Update

As of this writing the Senate remains in session. The Senate convened at 10:00 a.m. yesterday, went into caucus until about 12:00, and then debated the merits of the budget package for two hours. The Senate then recessed until about mid-night, to return with a new Minority leader and to vote on the tax package. ABXXX 3 remains on call at this hour with a vote of 23-12, and four members not voting. Steinberg has vowed to remain in session until the budget is approved.

For now Senate President Pro Tem Steinberg remains committed to finding one additional Republican vote. The focus for that vote is Senator Dave Cox from Sacramento. However, Senator Maldonado remains a wildcard possibility. Some of the issues Cox is asking for is to appropriate the remaining Prop 1B local street and road funds, giving cities and counties their share of the gas tax increase after 5 years, and a funding program for horse racing tracks. His list is likely much longer given the long line of lobbyists waiting outside his office the past few days.

Leadership Change: Last night frustrations within the Senate Republican Caucus resulted in Senate Minority Leader Dave Cogdill being replaced with Dennis Hollingsworth from Murrieta in San Diego County. Senator Hollingsworth has been a vocal critic of the tax increases and has even questioned the value of enacting the budget proposal to save nearly 90,000 infrastructure jobs that will vanish tomorrow because the sales tax increase alone will theoretically eliminate 50,000 jobs. This morning the new Minority Leader reiterated his opposition to tax increases and expressed his interest in reopening budget negotiations (i.e. starting all over).

Federal Stimulus Funds At Risk?: This morning Senator Barbara Boxer attended a press conference with Speaker Bass and Pro Tem Steinberg to discuss how the federal stimulus funds will help California. However, the focus was on the one vote needed to pass a budget. Speaker Bass stated that California's share of stimulus dollars are at risk if a budget is not enacted. Senator Boxer said the stimulus funds will result in 400,000 jobs in California, and the state will need to seek a federal waiver if a budget is not adopted soon. The federal stimulus bill includes maintenance of effort that the state cannot meet without a budget.

Stop Work Notices: In addition to the 20,000 layoff notices the Governor sent this week, the Department of Finance has sent notices to all departments to begin the stop work process effective Thursday, February 19, on the remaining 276 projects. This provides one more day for the Senate to count to 27.

Of the 276 projects, 98 are Prop 1B transportation projects totaling \$1.8 billion. This includes the Sunol Grade and I-580 HOV lane projects. In order to keep bond fund projects in the Bay Area, the Bay Area Toll Authority is exploring the purchase of \$200 million in Prop 1B bonds with the condition that the revenue would be used for Bay Area projects.

Special Election: The budget package includes ABXXX 11, which calls for a statewide special election to be held on May 19, 2009. The bill waives the statutory deadlines to allow the Legislature place the following proposals on the ballot:

- *State lottery* - Would allow the state to borrow \$5 billion against future lottery revenue and use the funds for something other than schools.
- *Proposition 98* - Would revise the school funding requirement to change where some of the money will come from and what it covers.
- *Proposition 63* - Would allow \$460 million to be spent on existing mental health programs for two years, overturning the measure's ban on using the money for current programs.
- *Proposition 10* - Would eliminate the state's First 5 commission and take \$340 million from the program to use for existing children's programs.
- *Spending cap* - A constitutional amendment would limit spending and put excess revenue into a rainy-day fund for lean years.

Budget Trailer Bills: The following is a summary of the budget trailer bills under consideration. The Assembly has approved these bills except for the tax bill, which is currently stalled in the Senate. A list of all budget trailer bills is attached. If you have any questions or need additional information, please give us a call.

AB 3 XXX – Taxes: Imposes various taxes totaling \$14.4 billion. This amount is reduced to \$12.5 billion if California receives at least \$9.1 billion in general fund relief from the federal stimulus package. This is called the federal trigger. The duration of these taxes is dependent upon the passage of the spending cap proposal that will be on the May 19 ballot. The following taxes would be imposed:

Sunset			
	Begins	If Ballot Fails	If Ballot Passes

1-cent Sales Tax Increase	April 1, 2009	June 30, 2011	June 30, 2012
5 percent Personal Income Tax Surtax 5 (2.5% Surtax If Federal Funding Triggers is pulled)	Tax Year 2009	Tax Year 2010	Tax Year 2012
Personal Income Tax Dependent Credit Reduction	Tax Year 2009	Tax Year 2010	Tax Year 2012
Vehicle License Fee Increase from 0.65 percent to 1 percent	May 19, 2009	June 30, 2011	June 30, 2013
Vehicle License Fee 0.15 percent increase	May 19, 2009	June 30, 2011	June 30, 2013
\$.12 Excise Gas Tax *	April 1, 2009	June 30, 2011	June 30, 2013

**Excise tax increase:* The budget proposal would direct up to 90% of the revenue generates from the 12 cent excise tax increase to fund transportation bond debt. This revenue can be used to reimburse the general fund for prior year debt service payments. Starting in the 2010-11 fiscal no more than half of the revenue can be used for transportation bond debt payments. The remaining funds would be placed in the State Highway Account, where is it will likely be used for SHOPP projects. In addition, existing law dedicates a specified percentage of excise tax revenue to cities and counties for local street and road maintenance. The budget package would cap this amount in order to prevent any of the 12 cent increase from flowing to local governments.

SB 7 XXX – Transportation: This bill makes technical changes to the 2008-09 and 2009-10 budget necessary to allow for the diversion and expenditure of transportation funds on transportation bond debt service. Specifically the bill allows for the new gas tax revenue to be deposited into the Transportation Debt Service Fund, which would offset the general fund cost for debt service. The bill also transfers Tribal Gaming revenue from the State Highway Account to the general fund and suspends the State Transit Assistance (STA) program starting in 2009-10 to 2012-13. The STA funds are diverted to Regional Center transportation costs and Home-to-School transportation costs.

SB 8 XXX – General Government – Deferrals: This bill makes numerous technical and statutory changes including the following:

- Defers payment of mandate claims to local governments and schools districts from August 15th to October 15th.
- Defers payment of Highway User Tax Allocations for the months of January, February, March and April to be paid in May 2009. Existing law is also amended to exempt from existing counties from receiving a portion of the increased fuel excise tax revenue.
- Defers payments to counties for administration costs and benefits for services in July and August for payment in September 2009. The September payment will also include July and August advances. The deferral does not include payments

for SSI/SSP and IHSS grants. Counties with a population of less than 40,000 are also exempt.

- Creates the Local Safety and Protection Account, which is where new vehicle license fee revenue will be deposited in order to fund COPS, Juvenile Justice, Rural Sheriff Subventions, Booking Fees, and other programs.
- Suspends indefinitely the Senior Citizens' Property Tax Deferral Program.

SB 4 XX – Design Build: This bill authorizes the use of design build contracting by the Department of General Services and the Department of Correction, as well as authorize a limited number projects sponsored local redevelopment agencies. The bill also authorizes up to 10 transportation projects to be delivered using design-build. The transportation projects would be split between local sponsors and Caltrans. The bill also amends existing law to remove the limit on the number of Public Private Partnerships (P3) and the need for Legislative approval on P3 projects.

AB 8 XX – CEQA & Air Board Regulatory Relief: This bill creates a permit review panel in an effort to streamline multiple state environmental review processes. The permit review panel is a demonstration programs that would apply to specified highway projects. In short, the program would set specified time lines for review and approving permits. If a deadline is missed a permit is automatically approved. The bill also contains a list of highway projects that would be exempt from CEQA.

This bill would also exempt the state from completing an environmental impact report before the sale of surplus state property. The bill also modifies existing Air Boar regulations relating to off-road diesel engines to provide increased flexibility and to allow for credits to offset emission reduction requirements. Finally, the bill grants the Orange County Transportation Authority the authority to acquire rights-of-way from willing sellers for a specified project.

Budget and Budget Trailer Bills

BILLS	DESCRIPTION
SB/ABx3 1	2009-10 Budget Bill
SB/ABx3 2	2008-09 Budget Bill
SB/ABx3 3	Taxes
SB/ABx3 4	Education Omnibus Trailer
SB/ABx3 5	Health Omnibus Trailer
SB/ABx3 6	Human Services Omnibus Trailer
SB/ABx3 7	Transportation Omnibus Trailer
SB/ABx3 8	General Government Omnibus Trailer
SB/ABx3 9	Proposition 10 (ballot measure)
SB/ABx3 10	Proposition 63 (ballot measure)
SB/ABx3 11	Elections Provisions (for the 4 proposed ballot measures)
SB/AB 12	Lottery Fixes
SB/AB 13	Cash Management Omnibus Trailer
SB/AB 14	AB 900 Fix
SB/ABx3 15	Tax Credits
SCA/ACAx3 1	Spending Cap
SCA/ACAx3 2	Education Supplemental Payment
AB/SBx2 3	Carl Moyer
AB/SBx2 4	3Ps and Design Build
AB/SBx2 5	Flex Time
AB/SBx2 6	CDCR Facilities
AB/SBx2 7	Residential Mortgage Loans: Foreclosure
AB/SBx2 8	CEQA, Permitting, Surplus Property
AB/SBx2 9	Prevailing Wage, Meal Flexibility
AB/SBx2 10	VLF Fix
AB/SBx2 11	Sturgeon Fix
AB/SBx2 12	Court Facilities
AB/SBx2 15	Tax Credit: New Construction Homes

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**MEMORANDUM**

TO: Dennis Fay
Alameda County Congestion Management Agency
FROM: CJ Strategies
RE: Legislative Update
DATE: February 17, 2009

Congress passed the stimulus package on the measure on February 13, by a 246-183 vote in the House and by voice vote in the Senate after a 60-38 vote to waive a Budget Act point of order. As with initial House and Senate consideration of the bill, not a single Republican supported the final bill in the House and just three GOP moderates voted for it in the Senate — with their votes again being crucial to reaching the 60 votes needed for Senate passage. President Obama will sign the bill today.

Surface Transportation and Transit Highlights of H.R. 1:**Highways**

The package includes \$27.5 billion for highways. Of that total, the bill sets aside \$310 million for Indian reservation roads, \$170 million for park roads and parkways, \$20 million for highway surface transportation and technology training and \$20 million for bonding assistance to disadvantaged business enterprises. The remaining amounts would be distributed to states and territories, using the Federal-aid Highway formula. The measure requires 45% of funds distributed to states to be allocated by the states in the same manner as funds provided under the Surface Transportation Program.

The agreement requires recipients of funds, when selecting projects, to give priority to projects that can award funds within 120 days of enactment, that are included in approved state or metropolitan plans, that are projected to be completed in a two-year time frame, and that are located in economically-distressed areas. The measure also allows states to opt to have the federal share for a project set at 100% of the total cost of the project. Funds would have to be distributed within 21 days of enactment.

Under the measure, if less than 50% of the funds provided to each state and territory are obligated within 180 days of distribution, then the portion of the 50% of the total funding distributed to the state or territory that has not been obligated for projects would be redistributed to other states and territories that have obligated at least 50% of the funds received. The House bill required such obligation within 90 days.

Transit

Total funding for transit is \$8.4 billion — nearly \$1 billion less than in the House bill — for the Federal Transit Administration (FTA) for mass transit projects, \$2.78 billion (22%) less than the House bill. Additionally, the bill provides \$8 billion for High Speed Rail projects.

The agreement provides \$6.9 billion in transit capital assistance grants, of which \$5.4 billion would be set aside for grants to urban areas and \$600 million for rural areas. Grant funds would be distributed using the formulas for the urban and rural grant programs. The measure allows grants to have a 100% federal share at the request of a grant recipient and requires recipients to enter into contracts to use at least 50% of funds within 180 days of the funds being apportioned. These funds would be used for purchasing buses and related equipment. Funds would be allocated within seven days of enactment.

- ***Urbanized, Rural, and Growing and High Density States: \$6.9 billion (Sec 5307, 5311, 5340)***

To purchase buses and equipment needed to increase public transportation and improve intermodal and transit facilities. Funds will be distributed through the existing urban and rural transit formulas.

- Urbanized Area Formula Grants (5307) - \$5.52 billion (80%)
- Rural Area Formula Grants (5311) - \$690 million (10%)
- Growing States and High Density Formula Grants (5340) - \$690 million (10%)
- \$100 million provided for discretionary grants to public transit agencies to reduce energy consumption or greenhouse gas emissions
- Funding must be apportioned within 21 days of enactment
- “Use it or lose it” provision - 50% of funds not obligated within 180 days redistributed to recipients who have successfully obligated their apportionment; remaining unobligated portion redistributed within 1 year to recipients who have successfully obligated their apportionment
- Secretary may provide obligation extension for extenuating circumstances
- Funds available until 9/30/10

- ***New Starts Program: \$750 million (Sec 5309)***

New commuter rail or other light rail systems to increase public use of mass transit and to speed projects already in construction.

- ***Fixed-Guideway Modernization: \$750 million (Sec 5309)***

To modernize existing transit systems, including renovations to stations, security systems, computers, equipment, structures, signals, and communications. Funds will be distributed through the existing formula.

- Funding must be apportioned within 21 days of enactment
- “Use it or lose it” provision - 50% of funds not obligated within 180 days redistributed to recipients who have successfully obligated their apportionment; remaining funds not obligated within 1 year redistributed to recipients who have successfully obligated their apportionment
- Secretary may provide obligation extension for extenuating circumstances
- Funds available until 9/30/10

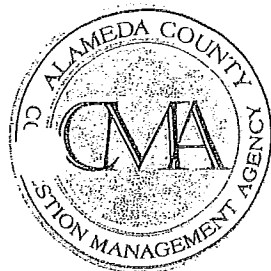
Tax Component

The final package includes language from the Commuter Benefits Equity Act in its portion of the stimulus. The language would increase the monthly exclusion for employer-provided transit and vanpool benefits to the same level as the exclusion for employer-provided parking. The language equalizes the mass transit and parking benefits at \$230 per month. The tax benefit will sunset on January 1, 2011.

Competitive Grants -- \$1.5 billion for competitive grants to states and local governments. These grants will go to many different kinds of transportation investments – including highway, transit, rail, or port infrastructure – but the bill requires that projects must have a significant impact on the nation, a region, or a metropolitan area.

- Grants range from \$20 -- \$300m.
- 100% federal share
- Not more than 20% of total can be awarded to a single state.
- Priority given to projects expected to be completed within 3 years and require fed funds to complete overall financing package.
- DOT Secretary will issue criteria within 90 days of enactment.
- Applications to be submitted within 180 days of enactment.
- Projects must be awarded within 1 year of enactment.

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ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

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Executive Director
Dennis R. Fay

February 2, 2009

Hon. Bill Dodd, Chairman
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607-4700

Subject: Comments on the Draft Transportation 2035 Plan (2009 RTP) and
Draft Environmental Impact Report (DEIR)

Dear Chairman Dodd:

Thank you for the opportunity to comment on the Draft Transportation 2035 Plan (2009 RTP) and Draft Environmental Impact Report. We commend MTC for its efforts to establish a transportation vision for the San Francisco Bay Area region. We have reviewed both documents and respectfully submit the following comments:

The Alameda County Congestion Management Agency (ACCMA) Board adopted 2008 Alameda Countywide Transportation Plan Investment Program used by MTC in the development of Transportation 2035 and accompanying DEIR represents Alameda County's priorities for the next 25 years. The projects and programs were developed through extensive input from the jurisdictions and the community. Our Investment Program is financially constrained and includes projects funded by Alameda County's Share funds, our Measure B voter approved sales tax, and the statewide voter approved Corridor Mobility Investment Account (CMIA). We appreciate that these priorities have been included in the RTP.

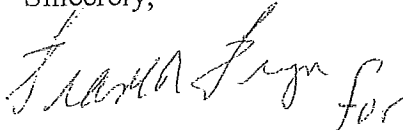
The countywide investment policies used to define our transportation investment priorities include, among other things, a commitment to:

- Maintaining and operating existing facilities before diverting funds to build new facilities,
- Focusing on high priority projects over the next several funding cycles to ensure delivery of these improvements (e.g., Warm Springs BART Extension, I-580 Corridor Improvements including HOT Lanes and right-of-way preservation for transit, Bus Rapid Transit in the East Bay, Transit Oriented Development Improvement Program),
- Giving priority to projects that are most effectively coordinated with land use planning and Priority Development Areas, and
- Supporting strategies that reduce transportation's share of greenhouse gases.

The transportation investment priorities also include a number of important and on-going committed projects. We encourage MTC to retain these committed projects in the RTP because they reflect prior commitments, designed to reduce congestion, close gaps, and improve safety, that are already well underway and reflect the desire of the voting public. In addition, the committed funds for these prior commitments have been reserved by law for specific uses or allocated by MTC Action prior to the development of the Draft Transportation 2035 Plan and cannot be used for other purposes. The ACCMA acknowledges that the transportation needs far outweigh the funding resources; however, we encourage MTC to complete the projects for which commitment and progress have been made. MTC should continue to focus on identifying new funding sources to satisfy the growing needs of our transportation system identified in the RTP.

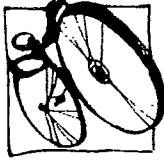
We look forward to continued collaboration in the implementation of the Transportation 2035 Plan. If you have any questions, please contact Beth Walukas, Manager of Planning at 510/350-2326 or bwalukas@accma.ca.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis R. Fay for".

Dennis R. Fay
Executive Director

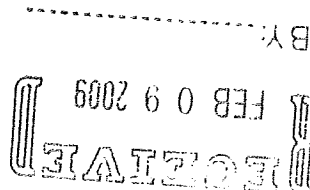
Cc: CMA Board of Directors
Doug Kimsey, MTC
Ashley Nguyen, MTC
Bay Area CMA Directors
Beth Walukas, Manager of Planning
Chron
File: 2008 RTP: Transportation 2035
File: 2008-09 Environmental Review Opinions and Responses



EAST BAY BICYCLE COALITION

P.O. BOX 1736 OAKLAND CALIFORNIA 94604

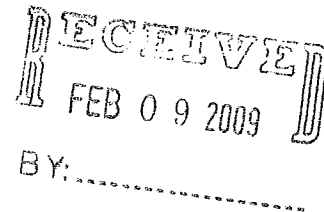
February 4, 2009



BIKE TO WORK DAY

MAY 14, 2009

Dennis Fay
Executive Director
Alameda County Congestion Management Agency
1333 Broadway, Suite 220
Oakland, CA 94612



Re: Sponsorship of Bike to Work Day 2009

Dear Dennis Fay:

The East Bay Bicycle Coalition contacted you last year about a potential ACCMA sponsorship of Bike to Work Day and while I understand that the CMA was not able to sponsor the event then, we want to give you another opportunity to join our efforts. The CMA's logo should be on all of our promotional materials.

ACTIA has stepped up and is providing \$10,000 in cash towards the event and we want to request that our CMA step up to a similar level of support. The money will go towards advertisements for Bike to Work Day placed on a variety of media around Alameda County, including transit ads, street pole banners, kiosks, and newspaper ads.

We understand that you are busy developing a Climate Action Plan and we fully support this effort. As you know, maximizing transit usage is one of the best ways to reduce vehicle miles traveled, and one of the most cost-effective ways to improve transit efficiency is to get more people riding to transit. This is exactly what our Bike to Work Day promotional campaign is going to highlight, biking to BART and biking to AC Transit.

We need your help and support. I hope your agency is in a good position to support Bike to Work Day this year. Thanks for your consideration.

Sincerely,

Dave Campbell
Chair

Commuting today.

GET ROLLING

511.org

ACTIA

KAISER PERMANENTE. thrive

511.org

ACTIA

KAISER PERMANENTE. thrive

Shopping today.

GET ROLLING

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Fitness today.

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KAISER PERMANENTE. thrive

En forma

GET ROLLING

511.org

ACTIA

KAISER PERMANENTE. thrive

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ACTIA

KAISER PERMANENTE. thrive

Familia

GET ROLLING

511.org

ACTIA

KAISER PERMANENTE. thrive

511.org

ACTIA

KAISER PERMANENTE. thrive

511.org and Kaiser Permanente present



BIKE TO WORK DAY

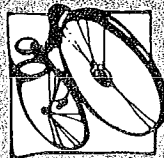
Thursday, May 15, 2008

Visit Alameda County's Energizer Stations
for free goodies and good times!

Look for the *Bike to Work Day* guide in the **EAST BAY EXPRESS** on May 7

Enjoy bike activities all month long!

Get the latest at
www.ebbc.org
or call (510) 533-RIDE



EAST BAY
BICYCLE
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Fun!

Enter to win prizes & join the Team Bike Challenge at **511.org**

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YAHOO!



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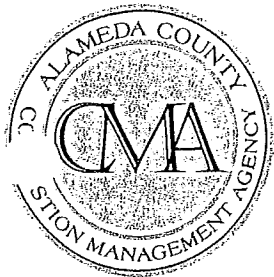
NUMI
ORGANIC TEA



City of Berkeley • City of Dublin • City of Fremont • City of Oakland • City of Pleasanton • City of San Leandro

PAGE 23

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ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

Attachment 5

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January 21, 2009

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Scott Haggerty

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City of Union City
Mayor
Mark Green
Chau

Executive Director
Dennis R. Fay

Ms. Sara Buizer
Senior Planner
City of Hayward Planning Division
777 B Street
Hayward, CA 94541
Sara.Buizer@hayward-ca.gov

SUBJECT: Comments on the Notice of Preparation of a Draft Program Environmental Impact Report (EIR) for the Route 238 Bypass land Use Study

Dear Ms. Buizer:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Program Environmental Impact Report (EIR) for the Route 238 Bypass land Use Study. The Land Use Study is an analysis of the opportunities and constraints for future redevelopment of 355 acres of several former Caltrans right-of-way parcels. The site is the location of previously planned Foothill Bypass Freeway (Route 238), which will not be constructed. The study will result in development of a Concept Design Plan that could result in amendments to the City of Hayward General Plan and Zoning Ordinance.

The ACCMA respectfully submits the following comments:

- The City of Hayward adopted Resolution 92-269 on September 22, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). Based on our review of the NOP, the proposed project appears to generate at least 100 p.m. peak hour trips over existing conditions. If this is the case, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2015 and 2030 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
 - The CMA Board amended the CMP on March 26th, 1998 so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The Countywide model, which is based on Cube software and developed incorporating ABAG's socio-economic data for Projections 2007, is available to the local jurisdictions for this purpose. To receive permission to use the Countywide model, the City of Hayward must submit a letter to the CMA requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.

- Potential impacts of the project on the Metropolitan Transportation System (MTS) need to be addressed. (See 2007 CMP Figures E-2 and E-3 and Figure 2). The DEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include I-880, I-580, I-238, Foothill Boulevard, Mission Boulevard, Harder Road, Tennyson Road, Industrial Parkway West, Jackson Street, B Street, D Street and A Street, as well as BART and AC Transit. Potential impacts of the project must be addressed for 2015 and 2030 conditions.
 - Please note that the ACCMA does not have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2007 CMP for more information).
 - In addition, the adopted 2007 CMP requires using 2000 Highway Capacity Manual for freeway capacity standards.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the CMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
 - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
 - Project mitigation measures must be fully funded to be considered adequate;
 - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

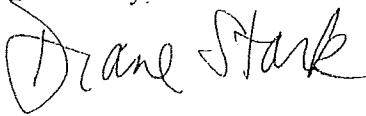
The DEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.
- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2007 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the CMA's policies as discussed above.
- The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2007 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines

Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.

- The EIR should consider opportunities to promote countywide bicycle routes identified in the Alameda Countywide Bicycle Plan, which was approved by the ACCMA Board on October 26, 2006. The approved Countywide Bike Plan is available at <http://www.accma.ca.gov/pages/HomeBicyclePlan.aspx>
- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

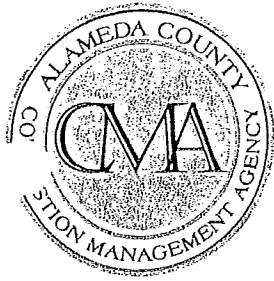
Sincerely,



Diane Stark
Senior Transportation Planner

cc: Beth Walukas, Manager of Planning, ACCMA
Roxy Carmichael-Hart, City of Hayward
file: CMP - Environmental Review Opinions - Responses - 2009

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Mayor
Mark Green
Chair

Executive Director
Dennis P. Fay

February 5, 2009

Kristi Bascom
Contract Planner
City of Oakland
Community & Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Kristi@planbmc.com

SUBJECT: Comments on the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for Fruitvale Transit Village, Phase 2, Residential Project

Dear Ms. Bascom:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Fruitvale Transit Village, Phase 2, Residential Project. The project is bounded by 35th and 37th Avenues, East 12th Street and BART tracks. The project is a 275-unit residential development with a 4-story condo/apartment building wrapped around a 5-story, 275 space parking garage. The existing BART parking lot and landscaping would be removed from the project site.

The ACCMA respectfully submits the following comments:

- The City of Oakland adopted Resolution No. 69475 on November 19, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). Based on our review of the NOP, the proposed project appears to generate at least 100 p.m. peak hour trips over existing conditions. If this is the case, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2020 and 2035 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
 - The CMA Board amended the CMP on March 26th, 1998 so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The ACCMA has a Countywide model that is available for this purpose. The City of Oakland and the ACCMA signed a Countywide Model Agreement on November 16, 2007. Before the model can be used for this project, a letter must be submitted to the ACCMA requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.
- Potential impacts of the project on the Metropolitan Transportation System (MTS) need to be addressed. (See 2007 CMP Figures E-2 and E-3 and Figure 2). The DEIR should

address all potential impacts of the project on the MTS roadway and transit systems. These include I-880, Fruitvale Avenue, International Boulevard, 42nd Avenue, High Street, Park Street, San Leandro Street, as well as BART and AC Transit. Potential impacts of the project must be addressed for 2015 and 2030 conditions.

- Please note that the ACCMA does *not* have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2007 CMP for more information).
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the CMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
 - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
 - Project mitigation measures must be fully funded to be considered adequate;
 - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

The DEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2007 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the CMA's policies as discussed above.
- The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2007 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.
- The EIR should consider opportunities to promote countywide bicycle routes identified in the Alameda Countywide Bicycle Plan, which was approved by the ACCMA Board on October 26, 2006. The approved Countywide Bike Plan is available at <http://www.accma.ca.gov/pages/HomeBicyclePlan.aspx>